for example, at pages 5, 8, Figures 1-2, and original claim 27. The amendment to claim 23 simply corrects a typographical error. No issues of new matter should arise and entry of the amendment is respectfully requested.

II. RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement mailed September 12, 2002, Applicants provisionally elect Group I, claims 1-22 and 26, drawn to *Flavobacterium heparinum* host cells, with traverse. Newly added claims 30-34 are directed to the invention of Group I and accordingly, examination thereof is requested.

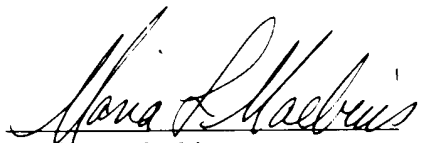
A restriction requirement is proper when (1) the inventions are independent or distinct as claimed; and (2) there is a serious burden on the Examiner. Applicants respectfully submit that the examination of Groups I-III together, or at a minimum, Groups I and II together, would not pose a serious burden on the Examiner.

In particular, groups I-III are directed to a *Flavobacterium heparinum* host cell for the expression of gene products, a method of using the host cell, and a composition for use in the host cell. Group I is directed to the host cell itself while Group II is directed to a method of using the host cell to make a desired polypeptide. Group III is directed to vectors which express the gene products and are designed for use in the host cells. Applicants respectfully submit that a search for prior art involving the host system and method of using the system would not pose an undue burden. Moreover, examination of the method of making and using the same product is further supported by 35 U.S.C. § 103(b), wherein biotechnological processes of making and using nonobvious products are deemed allowable upon an indication of allowability of the product claims.

Applicants respectfully request that, at a minimum, Groups I and II be examined together,

as there is no serious burden on the Examiner to examine the host cell and a method of using the host cell. If the Examiner disagrees, Applicants respectfully request that at least Group II be rejoined upon an indication of allowability of Group I.

Respectfully submitted,



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APPENDIX 2
MARKED-UP VERSION OF AMENDED CLAIMS

23. (Amended) A method for producing a desired polypeptide or protein comprising expressing recombinant DNA comprising a coding sequence for the desired polypeptide or protein in a *F. heparinum* host organism [;] .

30. (New) The host cell of claim 1 comprising a vector comprising (a) a functional origin of replication (*OriC*) region; (b) replication (*rep*) genes; and (c) a gene promoter derived from a protein endogenous to the *F. heparinum* host.

31. (New) The host cell of claim 1 comprising a vector comprising a gene promoter derived from a protein endogenous to the *F. heparinum* host.

32. (New) The host cell of claim 31, wherein said vector further comprises a nucleotide sequence encoding a selectable marker.

33. (New) The host cell of claim 32, wherein said selectable marker encodes for antibiotic resistance.

34. (New) The host cell of claim 33, wherein the host cell is resistant to an antibiotic selected from the group consisting of ampicillin, tetracycline, erythromycin, trimethoprim, and chloramphenicol.